

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GRAN SABANA CORPORATION N.V.,

Plaintiff,

v.

MITCHELL H. KOSSOFF,

Defendant.

No: 21-CV-3154

**ORDER TO SHOW CAUSE FOR
TEMPORARY RESTRAINING
ORDER, PRELIMINARY
INJUNCTION, AND EXPEDITED
DISCOVERY**

Upon the application of Plaintiff Gran Sabana Corporation N.V. (“Gran Sabana”), by its counsel, Pillsbury Winthrop Shaw Pittman LLP, the Declarations of Giorgio Angelini and Carolina A. Fornos, dated April 12, 2021, and the Complaint and Memorandum of Law annexed hereto, it is hereby

ORDERED, that the above-captioned Defendant Mitchell H. Kossoff (“Kossoff”) show cause before a motion term of this Court, via teleconference on Friday, April 16, 2021, at 1:00 p.m., why an order should not be entered pursuant to Rule 65 of the Federal Rules of Civil Procedure during the pendency of this action:

- (1) Enjoining Kossoff’s use of any bank accounts owned or controlled by him at Chase Bank, Valley Bank, and Signature Bank which may contain the Escrow Funds or evidence of where the Escrow Funds were transferred;
- (2) Freezing the aforementioned accounts at Chase Bank, Valley Bank, and Signature Bank which may contain the Escrow Funds or evidence of where the Escrow Funds were transferred;
- (3) Granting such other and further relief as the Court may deem just and proper.

The hearing will be held by telephone. The parties may access the conference using the following information: **Call-in Number: (888) 363-4749; Access Code: 1015508.** This conference line is open to the public.

ORDERED that, sufficient cause having been shown, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, Kossoff be restrained and enjoined as follows:

- (1) Restraining Kossoff from transferring, dissipating or otherwise disposing of any of his assets or Gran Sabana's Escrow Funds wherever they are located and whether directly or indirectly controlled by Kossoff at this time.

ORDERED, that Kossoff be directed to turn over and/or disclose where the Escrow Funds are held or have been transferred to;

ORDERED, that bank accounts owned or controlled by him at Chase Bank, Valley Bank, and Signature Bank which may contain the Escrow Funds or evidence of where the Escrow Funds were transferred be frozen;

ORDERED that, Plaintiff having shown good cause for seeking expedited discovery under the circumstances of this case, *see Ayyash v. Bank Al-Madina*, 233 F.R.D. 325, 327 (S.D.N.Y. 2005), Gran Sabana's request for limited expedited discovery pursuant to Fed. R. Civ. P. 26(d) is GRANTED, and Gran Sabana is permitted to issue:

- a. subpoenas to Chase Bank, Valley National Bank, and Signature Bank for the purpose of identifying all accounts owned or controlled by Kossoff and obtaining bank records of those accounts, including but not limited to, records of wire transfers to or from Kossoff's accounts from 2018 to the present and identification of any assets Kossoff may have to satisfy a judgment;
- b. to the extent the subpoena responses to these banks identify additional accounts or locations of assets, supplemental subpoenas to trace the funds or assets;
- c. subpoenas to Kossoff, PLLC to seek all Escrow Account banking records, including information on bank accounts owned or controlled by Kossoff;
- d. Subpoena to Julia McNally, bookkeeper at Kossoff, PLLC for testimony relating to the disappearance of escrow funds.

ORDERED that the Plaintiff is not required to provide an undertaking in support of the restraining order; and it is further


ORDERED that a copy of this Order be served upon Kossoff or his respective counsel (once counsel is identified) via personal service either at his home or place of employment and via business and personal email addresses, and/or via any other method allowed under the rules on or before Thursday, April 15, 2021 at 5:00 p.m. which shall be deemed good and sufficient service of this order;

ORDERED that Plaintiff email the above-referenced Declarations, Memorandum of Law and Complaint, upon Kossoff or his respective counsel (once counsel is identified) by Thursday, April 15, 2021 at 5:00 p.m.;

ORDERED that Plaintiff email the above-referenced Declarations, Memorandum of Law and Complaint, and this Order, upon known business associates of Kossoff by Thursday, April 15, 2021 at 5:00 p.m.

ORDERED that Plaintiff file a Proof of Service of the above-referenced Order, Declarations, Memorandum of Law and Complaint by Thursday, April 15, 2021 at 5:00 p.m.

Dated: April 14, 2021
Issued: 6:00 p.m.
New York, New York



Ronnie Abrams
United States District Judge